

REMARKS

Claims 1-5 and 11 were rejected under 35 U.S.C. §102(e), as being anticipated by Rogala et al. (US 6,575,484). The indicated allowability of claims 4 to 5 was withdrawn in view of Rogala et al. Claims 6 to 10 have been objected to as being dependent on a rejected base claims but were indicated as being allowable if rewritten in independent form.

In this response, Applicants have amended claims 1, 6, 8, and 10. Upon entry of the amendments, claims 1-11 continue to be pending.

A. Allowable Subject Matter:

The Examiner has indicated that claims 6-10 would be allowable if rewritten in independent form. In paragraph 5 of the Office action, it is stated that claims 6-10 would be allowable if rewritten to overcome rejections under 35 U.S.C. §112, second paragraph, set forth in the office action. However, Applicants take this to be a mistake taken (perhaps taken over from the previous office action), since Applicants addressed the rejection under 35 U.S.C. §112, second paragraph, in the previous office action, and no rejection under 35 U.S.C. §112, second paragraph, has been set forth in the present office action. Moreover, the Office Action Summary lists claims 6-10 as being objected to, and not as being rejected.

Applicants have rewritten claims 8 and 10 in independent form including all of the limitations from the base claims and any intervening claims. Claim 8 now includes all of the limitations of previous claims 1, 4, and 8, and claim 10 now includes all of the limitations of previous claims 1 and 10.

With respect to claim 6, applicants have added some of the limitations from claim 6 to independent claim 1. This, the limitation of a first and second pressure-regulating valve for regulating the first and second pressure-regulated suspension circuits, respectively, was added to claim 1. Applicants have further amended claim 6 to be consistent with the amendments to claim 1 and to recite the further limitation that the first and second regulating valves include 2/2 directional control valves, respectively.

As discussed in more detail below, Applicants submit that this amendment to claim 1, which does not incorporate all of the limitations of claim 6, is nevertheless sufficient to patentably distinguish claim 1 from Rogala et al.

Withdrawal of the objections to claims 6-10 is respectfully requested.

B. Rejections under 35 U.S.C. §102:

Claims 1-5 and 11 were rejected under 35 U.S.C. §102(e), as being anticipated by Rogala et al.

Rogala describes a dual mode regenerative suspension for an off-road vehicle having one or more hydraulic cylinders connecting an axle to a frame of the vehicle. The suspension operates in a regenerative mode, in which the fluid path is provided between the first and second chambers and a double acting mode, in which the first and second chambers are isolated from each other and fluid flows between each chamber and separate accumulator. See, Abstract and Fig. 2.

Applicants have amended independent claim 1 to further recite first and second regulating valves for regulating the first and second pressure-regulated suspension circuits, respectively. Support for the amendments to claim 1 is found, for example, at paragraph [0017] and in Fig. 2 (valves 60 and 70).

Applicants respectfully submit that Rogala et al. does not describe such first and second regulating valves as now recited in claim 1 in addition to a level control device and an electromagnetic actuator also recited in claim 1 as amended. The Examiner has asserted that Rogala et al. describes a level-control device (controller 68) and an electromagnetic device (40 or 56), but has not asserted (as is also apparent from the Examiner's allowance of claim 6), that Rogala et al. also describes first and second regulating valve for controlling the pressure of the first and second pressure-regulated suspension circuits. Applicants respectfully submit that Rogala et al. does not describe both first and second regulating valves in addition to a level control device and an electromagnetic actuator as those features are recited in amended independent claim 1.

Withdrawal of the rejections and objections in view of the amendments and following remarks is hereby respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. Should the Examiner feel that an interview would advance prosecution of the present application, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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By: _____



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